

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE IVAN PEREA GONZALEZ,	:	CIVIL ACTION NO. 1:07-CV-2103
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
U.S. CITIZENSHIP IMMIGRATION SERVICES,	:	
	:	
Respondent	:	

ORDER

Jose Ivan Perea Gonzalez, (“Gonzalez”), a federal inmate presently incarcerated at the Federal Correctional Institution at Allenwood, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 on November 19, 2007, challenging his final order of removal from the United States. (Doc. 1, p. 3). For the reasons set forth below, the petition will be transferred to the United States Court of Appeals for the Third Circuit.

Gonzalez, a native and citizen of Mexico, is subject to a final order of removal from the United States dated March 29, 2002. (Doc. 1, p. 9). He indicates that while attempting to reenter the United States, he was seized at a United States Border Patrol check point south of Alamogordo, New Mexico. (Id.) Thereafter, he was indicted on one count of re-entry by a deported alien convicted of an aggravated felony. (Id. at pp. 2, 9). He was later convicted of reentry and is presently serving a ninety-two-month term of incarceration. (Id.) He brings the present petition

claiming that he “is entitled to Derivative Citizenship and is not subject to deportation as ordered by the Department of Homeland Security.” (Doc. 1, p. 3).

Jurisdiction over final orders of removal now lies exclusively in the courts of appeals pursuant to a petition for review. See 8 U.S.C. § 1252(a)(1) and (5); Kamara v. Attorney Gen. of the U.S., 420 F.3d 202, 210 (3d Cir. 2005) (holding that the Real ID Act of 2005, Pub. L. No. 109- 13, § 106, 119 Stat. 231, 310-11, eliminated district courts’ habeas corpus jurisdiction over final orders of removal in almost all cases, but restored judicial review of constitutional claims and questions of law *via* petitions for review, to the courts of appeals). Accordingly, this petition for writ of habeas corpus will be transferred to the United States Court of Appeals for the Third Circuit. See Real ID Act § 106, 119 Stat. at 310-11.

AND NOW, this 28th day of November 2007, upon consideration of the petition for writ of habeas corpus (Doc. 1), it is hereby ORDERED:

1. The Clerk of Court shall TRANSFER this matter to the United States Court of Appeals for the Third Circuit. See Real ID Act § 106, 119 Stat. at 310-11.
2. The Clerk of Court is further directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge